



## PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#### DECLARATION OF JERRY A. MILLER UNDER 37 C.F.R. §1.132

I, Jerry A. Miller, do hereby declare and state as follows:

I have been retained by in-house Patent Counsel of Sony Electronics, Inc. in San Diego, CA to prepare certain patent applications including the application for which this declaration is being submitted.

On September 16, 2003, I received at my office a set of six invention disclosures including an invention disclosure disclosing the present invention. This set of invention disclosures was sent on September 9, 2003 from Sony Electronics, Inc. as evidenced by **Exhibit D** attached hereto. Certain of the information in this Exhibit have been deleted. The deleted portions are irrelevant to the present declaration.

Patent Applications for the inventions of the invention disclosures listed on **Exhibit D** were subsequently filed with the U.S. Patent office as follows:

<u>Disclosure</u>	<u>Prov. Appn.</u>	<u>Filed</u>	<u>Non-Prov.</u>	<u>Filed</u>
50T5707.01	60/519,472	11/12/2003	10/822,891	4/13/2004
50T5708.01	60/ 516,052	10/31/2003	10/764,202	1/23/2004
50T5709.01	60/516,131	10/31/2003	10/828,737	4/21/2004
50T5710.01	60/516,157	10/31/2003	10/764,011	1/23/2004
50T5711.01	60/ 516,051	10/31/2003	10,802,084	3/16/2004
50T5712.01	60/516,050	10/31/2003	10/802,007	3/16/2004

These invention disclosures specifically relate to six VOD architectures described in the report of **Exhibit B**. This invention disclosure was prepared by Mr. Leo Pedlow, Jr. and Mr. Davender Agnihotri six days earlier on September 3, 2003 as evidenced by page 3 of this disclosure which bears the inventors' signatures and those of witnesses. The first three pages of

Application No.: 10/828,737

this invention disclosure are attached hereto as **Exhibit E**. The invention disclosure included as an attachment referenced therein a document substantially similar to portions of **Exhibit B** that are specifically relevant to the present invention. This portion of this invention disclosure has been deleted since it is redundant to certain sections of **Exhibit B**. Other portions of the invention disclosure have been deleted since they are irrelevant to the present declaration.

In my experience, six days of processing by a corporation from preparation of an invention disclosure through internal docketing and approval for filing is an extraordinarily short period of time.

My office is in Raleigh, North Carolina. Shortly after receipt and docketing of the above invention disclosures, I contacted Mr. Pedlow via telephone to make arrangements for a mutually available time that I could meet personally with him and Mr. Agnihotri to assure that I had a full understanding of each of the above invention disclosures. Since each of the disclosures related to VOD applications of Passage™ selective encryption technology, I wanted to assure that I understood the fine points of each invention. As a result, a meeting was scheduled in San Diego, CA to be held on October 17, 2003.

Between September 9, 2003 and October 17, I read and studied the above invention disclosures in preparation for the meeting with Mr. Pedlow and Mr. Agnihotri.

On October, 17, 2003, I traveled to San Diego and met with Mr. Pedlow and Mr. Agnihotri. During this meeting, they explained the details of each invention to me so that I could proceed with drafting the patent applications. I stayed in San Diego until October 21, 2003 meeting with other Sony Electronics' personnel on various patent prosecution related matters including other invention disclosures that Sony Electronics' in-house Patent Counsel had requested me to prepare.

On October 21, 2003, I flew to San Jose and met with additional Sony Electronics personnel as well as another client.

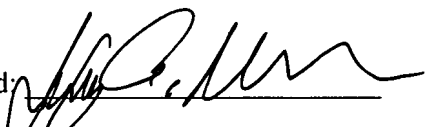
On October 22, 2003, I flew back to Raleigh, NC. During the time between October 17, 2003 and October 22, 2003, I spent much of my unscheduled time engaged in study of the above invention disclosures and initial work toward preparation of provisional applications.

Between October 22, 2003 and October 26, 2003, I was on a previously scheduled vacation. I returned to work on October 27, 2003.

As noted above, I filed provisional applications for the five of the above six invention disclosures, including the disclosure of the present invention, on October 31, 2003. From October 27, 2003 through October 31, 2003, I was substantially totally engaged in preparation of those provisional applications.

Subsequently, I diligently worked on preparation of the associated utility applications which were filed on the dates indicated above which are seen to span between January 23 to April 13, 2004. During the time until the utility applications were prepared, drafts of the applications were prepared and reviewed by the inventors and revised until the applications were deemed completed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

Signed:  Dated: 5/9/2007  
By: Jerry A. Miller, Reg. No. 30779